

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Case No. 23-cr-154 (SRN/TNL)

Plaintiff,

v.

ORDER

Andrew Dayjon Griffin,

Defendant.

Esther Soria Mignanelli, Assistant United States Attorney, 300 South Fourth Street, Suite 600, Minneapolis, MN 55415 (for the Government); and

Amy Slusser Conners, Best & Flanagan, 60 South Sixth Street, Suite 2700, Minneapolis, MN 55402 (for Defendant).

This matter is before the Court, United States Magistrate Judge Tony N. Leung, on the Government's Motion for Discovery Pursuant to Federal Rules of Criminal Procedure 16(b), 12.1, 12.2, 12.3 and 26.2, ECF No. 20. A hearing was scheduled for December 21, 2023. ECF No. 41 at 2. The parties agreed to waived oral argument and the Court took the motion under advisement on the papers. *See generally* ECF Nos. 43, 44.

This motion seeks discovery available under Federal Rules of Criminal Procedure 12.1, 12.2, 12.3, 16(b), and 26.2, as well as modification of the previously established deadlines for the disclosure of expert witnesses. Defendant voiced no objection to the Government's discovery requests. *See* ECF No. 33 at 2 (setting response deadline).

The Court previously ordered the parties to

disclose the identity of any expert witness and make all expert

disclosures required by Federal Rule of Criminal Procedure 16 no later than *28 days before trial*. The parties must disclose the identity of any expert who will testify in rebuttal of an expert witness and make all disclosures as to such expert required by Federal Rule of Criminal Procedure 16 no later than *14 days before trial*.

ECF No. 19 at 2 (emphasis added).

In its motion, the Government proposes that the parties make their principal expert disclosures for any testimony the other intends to use under Rules 702, 703, or 705 of the Federal Rules of Evidence no later than *30 days* before trial and any rebuttal expert disclosures no later than *10 days* prior to trial. ECF No. 20 at 2. Defendant voiced no objection to requested modification. *See* ECF No. 33 at 2.

Based upon the file, record, and proceedings herein, **IT IS HEREBY ORDERED** that the Government's Motion for Discovery Pursuant to Federal Rules of Criminal Procedure 16(b), 12.1, 12.2, 12.3 and 26.2, ECF No. 20, is **GRANTED**. No later than **30 days** prior to trial, the parties shall make their principal expert disclosures, and, no later than **10 days** prior to trial, the parties shall make any rebuttal expert disclosures. *See* Fed. R. Crim. P. 16(a)(1)(G), (b)(1)(C).

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All prior consistent orders remain in full force and effect. Failure to comply with any provision of this Order or any other prior consistent Order shall subject the non-complying party, non-complying counsel and/or the party such counsel represents to any and all appropriate remedies, sanctions and the like.

Date: January 12, 2024

s/ Tony N. Leung
Tony N. Leung
United States Magistrate Judge
District of Minnesota

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